

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VORTEX PATHWAY LLC,

Plaintiffs,

v.

FORTINET, INC.,

Defendant.

Case No. 2:16-cv-00952-JRG-RSP

JURY TRIAL DEMANDED

DECLARATION OF OGNJEN ZIVOJNOVIC

I, Ognjen Zivojnovic, declare and state the following:

1. I am a lawyer with the law firm of Quinn Emanuel Urquhart Sullivan, LLP, counsel for Fortinet, Inc. in this action. I provide this declaration in support of Defendant Fortinet Inc.'s Motion to Change Venue to the Northern District of California. I have personal knowledge of the following, and, if called upon to do so, could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of a Certificate of Formation for "Vortex Pathway LLC," as filed on June 20, 2016 with the Texas Secretary of State, and as downloaded from the website of the Texas Secretary of State, www.sos.state.tx.us, through SOSDirect on March 16, 2017.

3. Attached hereto as Exhibit B is a true and correct copy of the search results downloaded from the USPTO Assignment Search website, assignment.uspto.gov, in response to a search for all patent assignments that list "Vortex Pathway" in any field. I performed this search on March 16, 2017.

4. Attached hereto as Exhibit C is a true and correct copy of an e-mail received from Joel Rothman, counsel of record for Vortex Pathway LLC in this matter, on March 15, 2017.

5. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 6,557,104, as downloaded from www.google.com/patents on March 16, 2017.

6. Attached hereto as Exhibit E is a true and correct copy of the Corporate Offices webpage of Phoenix Technologies, Ltd., as downloaded from www.phoenix.com on March 16, 2017.

7. Attached hereto as Exhibit F is a true and correct copy of Plaintiff's P.R. 3-1 and 3-2 Infringement Contentions Disclosures, as served by Vortex on January 30, 2017. These contentions do not include disclosure under P.R. 3-1(f) ("If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim." (emphasis added)).

I declare under penalty of perjury that the foregoing is true and correct. Signed this 28th day of April, 2017, in San Francisco, California.

/s/Ognjen Zivojnovic
Ognjen Zivojnovic